

**Testimony of Michael Cromartie, Vice-Chair
U.S. Commission on International Religious Freedom
Before the
Tom Lantos Human Rights Commission
The Status of Human Rights and religious Freedom in Vietnam
July 23, 2009
2255 Rayburn HOB**

A delegation from the U.S. Commission on International Religious Freedom traveled to Vietnam May 11-21, 2009. This was the fourth USCIRF delegation to visit Vietnam since 2003. During our many trips to Vietnam, we have visited every region of the country and built relationships with prominent religious leaders, human rights advocates, dissidents, and Vietnamese government officials.

During our May visit, we visited Hanoi, Ho Chi Minh City, and the Northwest provinces of Son La and Dien Bien. USCIRF staff also conducted interviews with seven Khmer Buddhist monks recently released after serving sentences for conducting human rights research and for participating in peaceful demonstrations for greater religious freedom. Our delegation found that the religious freedom restrictions faced by Khmer Buddhists in the Mekong Delta region are serious and egregious and their situation is underreported by the State Department.

It is our delegation's assessment that Vietnam is a "severe" violator of the freedom of thought, conscience, and religion as defined by the International Religious Freedom Act of 1998. Many religious communities and religious freedom advocates face harassment, restrictions, fines, detentions, property destruction, discrimination, and police intimidation. Targeted in particular are the Unified Buddhist Church of Vietnam (UBCV), independent Hoa Hao and Cao Dai groups, ethnic minority and unregistered Protestants, Catholics who publically advocate for greater freedoms, and human rights lawyers who defend vulnerable groups.

We saw again this week that the government of Vietnam perceives even peaceful prayer vigils as challenges to its authority, requiring violence and arrests. As you know 18 Catholics were detained two days ago in Quang Binh (KWAN BIN) province. The issue of confiscated property will not go away anytime soon and remains only one of many grievances expressed by religious communities. If the Vietnamese government continues to detain, intimidate, or harass individuals for acting peacefully and publicly out of religious conscience, this should be viewed as a severe violation under the International Religious Freedom Act.

Our trip confirmed the conclusions reached in USCIRF's 2009 Annual Report released in May. Along with this testimony, I would like to enter the Commission's Annual Report chapter on Vietnam into the record.

Let me offer a brief sketch of what we found during our trip:

1) The religious freedom situation is better in the major cities than in the countryside. We were told in Dien Bien province for example, that "laws made in Hanoi are not the law here." But, religious freedom abuses in rural areas cannot only be blamed on recalcitrant provincial officials. USCIRF has copies of government training manuals that instruct local officials to manage and control the growth of religious activity and "encourage" new converts to Protestantism to give up their religious activity.

2) Police intimidation of new converts is national policy: In 2005, Vietnam officially banned the practice of forced renunciations of faith. Our delegation learned, however, that this practice survives. In many parts of Vietnam, police intimidate and warn new religious converts against continued religious activity, threatening them with the loss of government benefits or jobs. These are not isolated acts, but are encouraged in national religious policy and experienced by both Protestants and some Buddhists. This practice should be considered an egregious and ongoing abuse of religious freedom.

In addition, police often harass and destroy the property of unregistered religious groups and

are not held accountable when they either commit or fail to stop acts of violence against religious believers—there have been beatings, deaths and disappearances of ethnic minority Protestants and a Vietnamese Protestant pastor and UBCV monk in the past year. We also learned that Buddhists who visited UBCV pagodas during the recent Vesak holiday were intimidated and harassed by police.

3) Prisoners: There are individuals detained in Vietnam because of their religious activity or religious freedom advocacy. There are dozens of individuals detained in Vietnam, including Hao Hao, Cao Dai, Mennonite, UBCV monks, Catholics, and human rights lawyers who defend or fight for expanded freedoms in Vietnam.

During our trip the delegation was able to confirm that there are hundreds of Montagnard Protestants in prison, arrested after 2001 and 2004 land rights and religious freedom demonstrations. Among this larger group are Protestant pastors arrested despite not having participated in the public demonstrations, but singled out because they were community leaders or because they would not inform on congregants who participated in the demonstrations.

During our most recent visit, the Vietnamese government allowed us to meet with detained individuals, such as noted religious freedom advocates Fr. Nguyen Van Ly, Nguyen Van Dai, and the Most Venerable Thich Quang Do.

We appreciate the Vietnamese government's willingness to allow us brief access to these individuals when others are denied. Despite our visits to these prisoners, Thich Quang Do's detention orders were not lifted, Fr. Ly remains in solitary confinement, and Nguyen Van Dai is still being asked to sign a "confession of his guilt" as a condition of his release.

In addition, we learned that jailed human rights lawyer Le Thi Cong Nhan was twice offered "exile." She turned down a recent offer to leave for the United State saying reportedly "I respect the U.S. because it is a place of freedom and democracy, but my home is Vietnam and this is where I want to stay."

These are courageous individuals, detained for the peacefully expressing religious views or for engaging in religious freedom advocacy. Their unconditional release should be a priority of U.S. human rights diplomacy.

4) There is sufficient evidence to designate Vietnam as a Country of Particular Concern (CPC): U.S. Ambassador to Vietnam Michael Michalak said recently that there was not enough “evidence” to support a CPC designation. We disagree. The evidence is obvious--prisoners, forced renunciations of faith, official policies of discrimination targeting religious communities and new converts, and police harassment and detentions of religious adherents and human rights lawyers.

I have traveled to Vietnam in both 2007 and 2009. In my opinion human rights and religious freedom conditions have deteriorated over the past two years. The CPC designation is warranted and can be used to bring about tangible change for Vietnam’s religious groups and human rights advocates.

We appreciate the support from Members of Congress for our recommendation, the new Administration offers us all another opportunity to make the case for Vietnam’s CPC designation. We hope to continue work with you on this goal.

5)Police Interference with the USCIRF delegation:

One of the reasons I believe that human rights conditions have deteriorated overall in Vietnam was our delegation’s experiences with police interference. Police blocked access to certain dissidents and religious communities, let me offer you a few examples:

A) In Ho Chi Minh City: Lawyer Le Tran Luat, who represents the Thai Ha parish in Hanoi, was detained overnight to stop us from meeting with him. Also, noted human rights defender Do Nam Hai was blocked from meeting with us.

B) Also in Ho Chi Minh City: Police physically stopped us from meeting with a group of unregistered Mennonite leaders, including the daughter of religious prisoner Nguyen Thi Hong who we learned is forced to do hard labor and is in poor health.

C) In Dien Bien Phu police staged two truck accidents to prevent the delegation from meeting with a Hmong Protestant groups

Some Positive Elements Religious Freedom Developments in Vietnam:

I don't want to paint too bleak a picture however. There are too many egregious religious abuses occurring in Vietnam, but there are some positive developments that have occurred in the past couple years. The Commission recognizes some positive developments that have occurred over the past four years, spurred by both the 2004 CPC designation and Vietnam's desire to join the World Trade Organization.

Positive developments include: the release of some prisoners; new legal protections for nationally recognized religious groups; the prohibition of the policy of, and an ensuing overall reduction in, forced renunciations of faith; and an expanded zone of toleration for worship activities, particularly in urban areas. In addition, religious adherence seems to be growing and many ethnic minority Protestants no longer have to meet clandestinely.

The Vietnamese Communist Party has made peace with existence of religion as long as its size, activities and growth can be controlled, its leaders managed, and the activities of religious adherents are not viewed as a challenge to government authority. Religious thought, conscience, and activity cannot be confined to this restricted box however. The freedoms guaranteed in international law should be our guide, not the Vietnamese government's need to control civil society and maintain political power.

Religious groups and human rights activists do not seek to challenge the Vietnamese governments hold on power, but seek internationally guaranteed rights and freedoms that will benefit all of Vietnamese people and can contribute, through education, economic development, medical and charitable works contribute to the greater good of Vietnamese society.

Recommendations:

Vietnam has not been a priority of an Obama Administration with many global priorities. But it should be. The U.S. government can play an important role in advancing human rights and civil society in Vietnam. The diplomatic tools are available, the U.S. has considerable leverage to define the bilateral relationship and the U.S. is popular with many young Vietnamese. The question remains, is there sufficient political will to press for human rights in Vietnam?

USCIRF has recommended that Vietnam be designated as a CPC for severe and egregious restrictions on the freedom of religion. This recommendation has widespread bipartisan support in the Congress. As you know, the House of Representatives passed HR 2410, the Foreign Relations Authorization Act, which includes language urging the State Department to designate Vietnam as a CPC. There has also been bipartisan support for passage of the Vietnam Human Rights Act in the House of Representatives. This bill has been re-introduced in both the House and the Senate this year. We hope this bill will be discussed and passed during the current session of Congress with the Obama Administration's full support.

Both the CPC designation and the Vietnam Human Rights Act are important because they send a message that the U.S.-Vietnam relationship will not only be defined by trade, investment, and security interests. This message will be heard clearly by the Vietnamese people and will encourage those fighting to advance human rights and the rule of law.

The CPC designation and the Vietnam Human Rights Act are also important because they provide the Administration with flexible diplomatic tools including various political and economic incentives, public diplomacy priorities, and, as a last resort, targeted sanctions.

From 2004-2006, the CPC designation was used previously by the U.S. to bring about some tangible religious freedom results in Vietnam without hindering progress on other bilateral

interests. Progress on trade, investment, drug interdiction, education, military relations, and HIV/AIDS was not set back as we worked toward advancing and protecting religious freedom and related human rights.

Sadly, after the CPC designation was lifted in 2006, religious freedom progress stalled and Vietnam's overall human rights record deteriorated.

This year, the Obama Administration will be making its first decisions on which countries to designate as CPCs. We urge the Administration to re-designate Vietnam as a CPC and to use all available diplomatic tools to support the hopes and aspirations of the Vietnamese people for both greater freedom and prosperity.

Protecting and promoting religious freedom is a core interest of the American people and critical to the success of many of our global interests. We believe that the CPC designation is a powerful tool to spotlight abuses of religious freedom, encourage future improvements, and clearly signal that the U.S. supports those in Vietnam who seek to advance universal freedoms and human rights.